

**Notice of Allowability**

Application No.

10/088,101

Examiner

Ngoc-Yen M. Nguyen

Applicant(s)

SHIRONO ET AL.

Art Unit

1754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 22, 2004.
2. ☒ The allowed claim(s) is/are 13-22.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Donald Drummond on March 16, 2005.

The application has been amended as follows:

Claim 13 (Currently Amended) A surface-modified fine silica powder having an adsorbing ability for an anion source compound,

wherein said powder is obtained by a surface-modified treatment process comprising ~~that~~ more than 10mmol of a treating agent containing an amino group is added under dry-process in nitrogen atmosphere to 100g of the fine silica powder which is a fumed-silica obtained by a flame hydrolysis method, having the specific surface area of 50 to 400m<sup>2</sup>/g by the BET method; and after holding the ~~reactant~~ treating agent and the fine silica powder under heating to at least 200°C and vigorous stirring, the obtained powder has been surface-modified, and

wherein the nitrogen content of said surface-modified fine silica powder is 0.3 to 1.0% and

wherein the ratio of the absorbed anion source compound of the surface-modified fine silica powder to the unmodified fine silica powder is more than 150%.

Claim 18 (Currently Amended) A low viscosity silica slurry comprising the surface-modified fine silica powder according to claim 13, wherein ~~the adsorption amount of the anion source compound is more than 150% of that of the original powder before the surface treatment,~~ the specific surface area is 200 to 400m<sup>2</sup>/g by the BET method, ~~nitrogen content is 0.3 to 1.0%,~~ and the viscosity is 1 to 50mPa·s under pH of 3 to 6 and the silica concentration is 15 to 30%.

The following is an examiner's statement of reasons for allowance: the prior art does not teach or suggest a surface-modified silica powder which is formed by treating fine fumed silica powder with a treating agent containing an amino group under heating to at least 200°C and vigorous stirring and the surface-modified silica powder has a nitrogen content of 0.3-1.0% and the ratio of the absorbed anion source compound of the surface-modified fine silica powder to the unmodified fine silica powder is more than 150%.

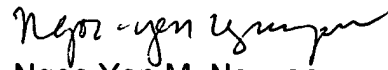
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc-Yen M. Nguyen whose telephone number is (571) 272-1356. The examiner is currently on Part time schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stan Silverman can be reached on (571) 272-1358. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed (571) 272-1700.

  
Ngoc-Yen M. Nguyen  
Primary Examiner  
Art Unit 1754

nmn  
March 16, 2005